

Filed by:

Merits Panel
Interference Trial Section
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
Mail Stop Interference
PO Box 1450
Arlington, VA 22313-1450
Tel: (703) 308-9797
Fax: (703) 305-0942

Filed:
5 May 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

HIROSHI HAMAMOTO, YOSHINORI SUGIYAMA,
NORIAKI NAKAGAWA, EIJI HASHIDA, SUGURU TSUCHIMOTO,
NORIYUKI NAKANISHI, YUJI MATSUNAGA,

and
YOSHIMI OKADA

Junior Party,
(Patent 5,618,699),

v.

THOMAS H. TURPEN, STEPHEN J. REINL,
and
LAURENCE K. GRILL

Senior Party
(Application 09/057,016).

Patent Interference No. 105,149

Order – Rule 662

Before: SPIEGEL, MOORE, and POTEATE, Administrative Patent Judges.

MOORE, Administrative Patent Judge.

MAILED

MAY - 5 2004

PAT & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

JUDGMENT PURSUANT TO 37 CFR § 1.662


Upon consideration of Paper 18 (Request for Adverse Judgment) and the disclaimer of claims 16 and 17 of Patent 5,618,699 by junior party HIROSHI HAMAMOTO, YOSHINORI SUGIYAMA, NORIAKI NAKAGAWA, EIJI HASHIDA, SUGURU TSUCHIMOTO, NORIYUKI NAKANISHI, YUJI MATSUNAGA, and YOSHIMI OKADA, it is hereby:

ORDERED that judgment on priority as to Count 1 (Paper 1, page 6), the only count in the interference, is awarded against junior party HIROSHI HAMAMOTO, YOSHINORI SUGIYAMA, NORIAKI NAKAGAWA, EIJI HASHIDA, SUGURU TSUCHIMOTO, NORIYUKI NAKANISHI, YUJI MATSUNAGA, and YOSHIMI OKADA.


FURTHER ORDERED that junior party HIROSHI HAMAMOTO, YOSHINORI SUGIYAMA, NORIAKI NAKAGAWA, EIJI HASHIDA, SUGURU TSUCHIMOTO, NORIYUKI NAKANISHI, YUJI MATSUNAGA, and YOSHIMI OKADA is not entitled to a patent containing claims 16 and 17 (corresponding to Count 1) of patent 5,618,699.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 09/057,016 and patent 5,618,699.


FURTHER ORDERED that if there is a settlement agreement, attention shall be directed to 35 U.S.C. § 135(c), 37 CFR § 1.661, and 37 CFR §1.666.



CAROL A. SPIEGEL
Administrative Patent Judge



JAMES T. MOORE
Administrative Patent Judge



LINDA R. POTEATE
Administrative Patent Judge

)
)
)
)
)
)
) BOARD OF PATENT
) APPEALS
) AND
) INTERFERENCES

May 5, 2004
Arlington, VA

cc: (via Fax and US Mail)

Attorney for HAMAMOTO:

Peter D. Olexy, Esq.
SUGHRUE MION PLLC
2100 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20037
Tel: 202- 293-7060
Fax: 202-293-7860

Attorney for TURPEN:

Jonathan Alan Quine, Esq.
QUINE INTELLECTUAL PROPERTY LAW GROUP P.C.
2033 CLEMENT AVENUE, SUITE 200
ALAMEDA, CA 94501
Tel : 510-337-7871
Fax: 510-337-7877